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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 40 OF THE COVENANT

Fourth periodic report of States parties due in 1996

PORTUGAL (MACAU)

[1 March 1999]

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Introduction

1. In mid-1994 the first Appendix on the Territory of Macau was prepared for inclusion in Portugal's periodic report on the application of the International Covenant on Civil and Political Rights (ICCPR). In March 1996 the report was updated (CCPR/C/70/Add.9), taking into account legislative changes that had taken place aimed at complying with the principles and norms contained in the ICCPR. On 10 December 1997, the United Nations High Commissioner for Human Rights requested Portugal to submit its fourth period report (Appendix on Macau) in June 1998, updating information on each of the articles of the Covenant.

2. The present report is submitted in accordance with that request.

I. GENERAL INFORMATION

3. According to the last thirteenth General Population Census taken in 1991 (*Censos '91*), the total resident population stood at 355,693, with an estimated increase to 422,000 inhabitants by the end of 1997.

II. INFORMATION ON SPECIAL ARTICLES OF THE COVENANT

Article 2

4. Since the report on Macau was last updated, there have been changes in the legislation on fundamental rights, of which the most significant follow:

(a) Decree-Law 59/97/M of 29 December approved and improved the new basic law for the "Standing Committee on Coordinating Social Affairs", extending its scope to allow Macau residents to participate, and increasing its representativeness, thereby revoking Decree-Law 31/87/M of 1 June;

(b) The Macau Criminal Code, approved by Decree-Law 58/95/M of 14 November, criminalized passive engagement in corruption involving licit acts in article 337, passive corruption involving illicit acts in article 338, and active engagement in corruption in article 339, thereby revoking Law 14/87/M of 7 December containing the criminal law on corruption;

(c) Law 4/95/M of 12 June restructured the Consumer Council and revoked articles 12 to 25 of Law 12/88/M of 13 June;

(d) Decree-Law 41/94/M of 1 August revoked articles 10 and 11 of Law 21/88/M of 15 August and, in conjunction with Administrative Ruling 168/94/M of 1 August, revised and regulated the system for judicial support;

(e) Law 3/97/M of 14 April altered Law 25/88/M of 3 October approving the electoral system for the Municipal Assembly;

(f) Decree-Law 43/90/M of 30 July altered articles 2 and 8 of Decree-Law 59/89/M of 11 September which created an Environment Committee, in order to broaden its composition and create a structure that could provide technical and administrative support within its scope;

(g) Decree-Law 55/95/M of 31 October reviewed and updated the general regime regulating the entry, length of stay and establishment of residence in Macau, thereby revoking Decree-Law 2/90/M of 31 January;

(h) Law 2/97/M of 31 March changed Law 11/90/M of 10 September creating the High Commission Against Corruption and Administrative Illegality, improving and enhancing its powers;

(i) Decree-Law 27/9/M of 29 June revised the organic structure of the judicial Police, thereby revoking Decree-Law 61/90/M of 24 September;

(j) Law 1/96/M of 4 March altered the regime governing electoral registration and the electoral system, resulting in amendments to Law 4/91/M of 1 April;

(k) Decree-Law 42/95/M of 21 August contained a new draft of several articles of the Lawyers' Statute approved by Decree-Law 31/91/M of 6 May;

(l) Law 112/91 of 29 August establishing the basic judicial organization of Macau, published in the Official Gazette of Macau No. 36 of 9 September, was amended by Law 4-A/93 of 26 February which added article 40 to Law 112/92 making provisions for the transitional composition of the High Court of Justice until the Macau courts were given all-encompassing exclusive powers by Decree-Law 28/97/M of 30 June which made slight modifications to the magistracy;

(m) Decree-Law 65/96/M of 21 October changed article 10 of Decree-Law 54/91/M of 21 October establishing the rules for authorizing, operating and regulating the activities of private insurance companies;

(n) Decree-Law 267/89 of 18 August, published in the Official Gazette of Macau No. 25 of 28 August, changed the legal regime for passports contained in Decree-Law 438/88 of 29 November, published in the Official Gazette of Macau No. 8 of 24 February 1992, by anticipating and regulating the Governor's power to issue special passports for figures in the Territory and passports for foreigners;

(o) Decree-Law 17/92/M of 2 March approving Macau's judiciary system was changed by Decree-Law 45/96/M of 14 August and by Decree-Law 28/97/M of 30 June;

(p) Decree-Law 8/98/M of 27 February adopted measures for replacing the judges in the Court of Audit, thereby altering Decree-Law 18/92/M of 2 March;

(q) Decree-Law 63/95/M of 4 December approving the new model for the resident's identity card changed Decree-Law 6/92/M of 27 January regulating the issuance of the resident's identity card and revoking Decree-Law 37/92/M of 13 July;

(r) Decree-Law 28/97/M of 30 June changed Decree-Law 55/92/M of 18 August approving the Statute of the Magistrates of Macau's Courts and the statute of members of the Macau High Council of Justice and the Macau Judiciary Council and their organic structure;

(s) Decree-Law 58/95/M of 14 November revoked articles 5 to 14, 21 and 22 of Law 16/92/M of 28 September defining the rules governing confidentiality in communication and the right to privacy;

(t) Decree-Law 58/95/M of 14 November revoked articles 1 and 2 of Decree-Law 11/93/M of 15 March reviewing sanctions for the possession, use and carrying of arms;

(u) Law 7/96/M of 22 July changed article 14 of Law 2/93/M of 17 May so as to establish that authorities impeding or attempting to impede the free right of assembly and demonstration other than as provided for by law shall be subject to the sanctions described in article 347 of the Criminal Code concerning the crime of abuse of power, and that they shall be subject to disciplinary proceedings, and that counter-demonstrators interfering in meetings or demonstrations, obstructing their free progress, shall be liable to the sanctions described for the crime of coercion;

(v) Law 10/93/M of 27 December changed articles 14, 20 and 21 of Law 7/93/M of 9 August concerning labour safeguards and social benefits of [Legislative Assembly] members and the remuneration of the President of the Legislative Assembly and members. Law 1/95/M of 13 March introduced articles 19-A, 19-B and 19-C concerning conflicts of direct, immediate, personal or material interests preventing members from participating in the debate and vote on certain related subjects if they have not made a prior declaration on declaring and invoking conflict of interests and its effects;

(w) Law 10/96/M of 29 July changed articles 23, 31, 37, 38 and 48 of Law 8/93/M of 9 August concerning the personal statute for interpreter-translators, administrative staff, associate specialists and advisers to the Macau Legislative Assembly. Article 30 of Law 8/93/M dealing with the staff structure for staff providing support to the Legislative Assembly was altered by Law 1/97/M of 31 March;

(x) Law 28/95, published in the Official Gazette of Macau, 1st Series, changed articles 1, 2, 4, 5, 6 and 8 of Law 64/93 of 26 August, published in the Official Gazette of Macau, 1st Series, No. 36 of 6 September 1993, establishing the legal framework governing conflict of duties and incompatibilities for holders of political office and high-ranking public officers, and also introduced article 7-A;

(y) Decree-Law 357/93 of 14 October, published in the Official Gazette of Macau, No. 43 of 25 October, defined the terms under which civil servants of Macau could be integrated into the Portuguese civil service. Subsequently, Decree-Law 89-C/98 of 13 April established the terms under which employees in the Justice Department would be integrated. Decree-Law 89-D/98 of 13 April made an identical provision for employees from the Registration and Notary

Department, and Decree-Law 89-F/98 of 13 April, published in the Official Gazette of Macau, No. 16 of 20 April, guaranteed all civil service employees working for the Administration of the Territory of Macau on 1 March 1998 the right to integration in the Portuguese Public Administration;

(z) Law 5/94/M of 1 August regulates and safeguards the exercise of petition in defence of people's rights, legality or the interest of the community;

(aa) Decree-Law 18/97/M of 19 May changed articles 7, 11, 17, 18, 19 and 21 concerning the statute of trainees and various aspects of their activities contained in Decree-Law 6/94/M of 27 January establishing the training regime for magistrates and creating the Macau Magistrates' Training Centre;

(bb) Law 6/97/M of 30 July established the legal regime against organized crime;

(cc) Law 4/98/M of 27 July defined the basis of employment policy and labour rights;

(dd) Law 5/98/M of 3 August regulates freedom of religious belief and worship of religious organizations in general.

Article 8

5. The increase in obviously illicit activities of secret associations or societies in early 1997 caused the Government to strengthen existing measures for combating these organizations. In this respect, Law 1/78/M of 4 February containing the criminal regime governing secret societies was revoked by Law 6/97/M of 30 July which created an improved legal regime while a Criminal Investigation Unit was set up through Decree-Law 25/98/M of 1 June.

6. Law 6/97/M of 30 July established the legal regime against organized crime, both by punishing certain types of illicit acts which are usually related to these organizations' activities and by establishing specific mechanisms to combat this kind of organization. Under the terms of article 1 of this Law:

> "A secret association or society shall be understood to be any organization established to obtain illegal advantages or benefits and whose existence is demonstrated by agreement, pact or other means, namely engaging in one or more of the following crimes: (a) homicides and physical assault; (b) kidnapping, snatching and international traffic in human beings; (c) threatening, coercing and extorting under the pretext of protection; (d) exploiting prostitution, soliciting and pimping of minors; (e) criminal money-lending; (f) theft, robbery and damage; (g) offering and assisting illegal immigration; (h) illegal gaming operations, lotteries or mutual bets, and illegal gambling cartels; (i) illicit acts relating to animal races; (j) money-lending for the purpose of gambling; [(k) does not exist in Portuguese]; (l) importing, exporting, purchasing, selling, manufacturing, using, carrying and holding prohibited weapons and ammunition and explosives or

incendiary substances or any devices or articles in carrying out the crimes referred to in articles 264 and 265 of the Criminal Code; (m) illicit acts relating to electoral rolls and polling; (n) speculation involving transportation documents; (o) falsification of currency, credit documents, credit cards and identity and travel documents; (p) active engagement in corruption; (q) extorting documents; (r) undue retention of identity or travel documents; (s) abuse of debit or credit cards; (t) foreign trade transactions outside authorized premises; (u) conversion, transfer or concealment of assets or illicit products; (v) illegal possession of technical equipment that could interfere actively or passively in communication between the police forces and services of the security forces."

7. Thus, any person who promotes, founds or supports a secret association or society shall be punished with imprisonment lasting between 5 and 12 years (art. 2). These sentences are more severe in the case of persons carrying out the duties of director or head at any level in a secret association or society, criminal activities involving a civil servant, or involvement by minors (paragraphs 3, 4 and 5 of the same article). The Law also punishes specific illicit acts arising directly from the fact that these organizations exist, namely extortion under the pretext of protection (art. 3) and invoking membership of a secret association or society (art. 4). Similarly, the Law acknowledges the fact that there are various crimes which are usually committed as a result of organized criminal activities. Consequently, there are punishments for improper retention of documents (art. 6), international traffic in people (art. 7), exploitation of prostitution (art. 8), punishable conduct in public places (art. 9), conversion, transfer or concealment of illicit goods or products (art. 10) and illegal gambling cartel (art. 11).

8. Nevertheless, the special nature of certain kinds of crimes requires additional mechanisms in order to bring the perpetrators to justice. In this respect, exceptions have been made to the principle of the power of criminal law depending on where the crime is committed and the principle of personal criminal liability in the case of crimes involving the conversion, transfer or concealment of illicit goods or products (art. 10), making allowance on the one hand for the criminal liability of corporations (art. 14) and, on the other hand, punishing crimes which have generated the said goods or products even when such crimes have been committed outside the territory of Macau (art. 10, para. 2).

9. There has also been an attempt to overcome the difficulties encountered in gathering evidence in investigations concerning the crimes described in this law by creating specific mechanisms. Consequently, when a person accused of committing the crime of secret association or society, or of invoking membership of a secret association or society, is willing to cooperate with the authorities by providing information that will enable them to prevent the continuation of such societies and thwart their respective illicit activities, the relevant sentence may, exceptionally, be decreased or replaced with a sentence not involving imprisonment, or sentencing may be dispensed with (art. 5). When the perpetrator is already in prison, the authorities shall take the appropriate measures to protect him (art. 40), in which case there may be an extraordinary review of the sentence (art. 38).

10. Court confidentiality is given special protection and any violations are punished with a more severe sentence (from one to five years, or two to eight years) than that required by general law which is a prison sentence of up to two years (art. 13). Similarly, the identity of those parties involved in the proceedings shall remain under court confidentiality for a period of 10 years (art. 13, para. 4).

11. Under the terms of article 15, the conduct of a public employee or a third party who infiltrates a secret association or society and accepts, holds, keeps, transports or hands over weapons, ammunition or instruments of crime shall not be punishable so long as he is acting under the control of a criminal police authority and has been authorized by the relevant judiciary authorities.

12. Specific procedural methods to assist investigations have been introduced. Consequently, certain procedural acts may be held without publicity (art. 25), while the accused must be held in detention in the case of certain crimes (art. 29). Under the terms of article 27, declarations by the victim, an assistant, a witness, expert or civilian party may be read in the hearings and accepted as admissible evidence.

13. The circumstances under which bail or a suspended prison sentence are allowed are restricted (arts. 16 and 17) and these measures cannot be applied in the case of crimes involving a secret association or society, extortion under the pretext of protection, international traffic in people, conversion, transfer or concealment of illicit goods or products and violation of court confidentiality.

14. In the case of a prison sentence handed down for committing the crime of secret association or society, the sentence shall be extended for two further successive periods of up to three years if the author has previously been imprisoned for committing the same crime and when "there is reason, given the circumstances of the case, the previous life of the author, his personality and behaviour during imprisonment and indications of continuing membership or links with a secret association or society, to expect that once he has been released he will not lead a socially responsible lifestyle without committing any crimes" (art. 21).

15. Decree-Law 25/98/M of 1 June established the Criminal Investigation Unit (CIU) within the scope of the Public Prosecutor's Office and under the Assistant Public Prosecutor, in order to direct investigations of organized crime, violent crimes or particularly complex crimes. The CIU consists of magistrates of the Public Prosecutor's Office and is responsible for investigating the crimes of secret association or society, extortion under the pretext of protection, international traffic in people, conversion, transfer or concealment of illicit goods or products, and violation of court confidentiality. The CIU is also responsible for investigating other criminal cases it receives from the Public Prosecutor in view of the particularly complex investigation required.

16. Under the terms of article 2 [of Decree-Law 25/98/M], the Assistant Public Prosecutor may request the Governor to second employees of the criminal police force and other specialized staff to the CIU if this is required for the investigation it is coordinating and directing.

Article 18

17. Law 4/71 of 21 August passed by the Assembly of the Portuguese Republic stipulating the basic law concerning freedom of religious belief and extended to Macau by Administrative Ruling 14/74 of 10 January, was revoked by Law 5/98/M of 3 August passed by the Macau Legislative Assembly regulating freedom of religious belief and worship and of profession of faith in general.

18. Article 1 of this law stated its scope of application clearly: "this law shall regulate freedom of religious belief and worship and the profession of faith in general". Article 2 recognizes and safeguards the freedom of religious belief and worship, ensuring that professions of religious faith and religious entities are given the appropriate legal protection. Also, the inviolability of religious belief is established. Article 2, paragraph 3, states that "no person may be the object of prejudice, persecution or be deprived of his or her rights or be exempted from obligations or civic duties, for not professing a religious faith, or because of his or her religious beliefs or practices, except the right to conscientious objection, under the terms of the law."

19. The principles of non-profession of faith and of separation are recognized in article 3 which states that the Territory of Macau does not profess any religious faith, and its relations with religious faiths are based on the principle of separation and neutrality. To this effect, article 3, paragraph 3, states that "the Territory of Macau does not interfere in the organization of religious faiths or the exercise of their activities and worship and does not make any comments on religious issues". Similarly, paragraph 2 of the same article mentions that "religious faiths are free to organize themselves as they wish, and to carry out their activities and worship". Article 4 reasserts the principle of equality of religious organizations before the law.

20. Article 5 gives a broad description of the content of freedom of religious belief mentioning the related rights: to have a religion or not, to change faith or to abandon a faith, to act or not in accordance with the precepts of the faith to which an individual belongs, to express one's beliefs, to demonstrate one's beliefs either individually or in a group, in public or in private, to spread the doctrine of the faith he or she professes by any means, and to engage in the acts of worship and the rites pertaining to the professed religion.

21. A further aspect that should be mentioned concerns the establishment of privacy as to religious belief which is contained in article 6, according to which "no person may be asked about his or her religious beliefs or practices, other than for gathering statistical data which are not individually identifiable, nor may any person be penalized for refusing to answer".

22. Article 9 enshrines the right of congregation and demonstration, declaring that meetings to engage in worship or for other specific goals of religious life and demonstrations of a similar nature do not require prior authorization.

23. Freedom of religious education is regulated in article 10 which safeguards the freedom to learn and to teach any religion in educational establishments under the following terms: "any religion and its morals may be taught in appropriate establishments to pupils whose parents or guardians so request" (para. 2); "pupils aged sixteen years old and over may exercise the right referred to in the preceding paragraph in their own right" (para. 3); "matriculation in educational establishments maintained by religious faiths implies presumed acceptance of education in the religion and morals adopted by this faith, unless the persons referred to in paragraphs 2 and 3 of this article declare otherwise" (para. 4). It should also be noted that the training of believers and ministers is recognized in article 21, and that religious organizations are thus entitled to establish and manage the appropriate facilities for this purpose.

24. Article 11 discusses the scope and meaning of freedom of worship, stating in paragraph 1 that "no person may invoke freedom of worship to practice acts which threaten life, physical and moral integrity, the dignity of persons or other acts which are expressly forbidden by law". Paragraph 2 of the same article states that "there can be no restrictions on freedom of worship other than in those cases provided for by law".

25. Article 15 of this law enshrines the internal autonomy of religious faiths, stating that they may organize themselves in harmony with their internal norms and shall manage themselves freely within the limits of the law, that they are allowed to form, within each one and amongst themselves, associations, institutes or foundations which may or may not have legal personality and aimed at promoting worship or pursuing other specific aims.

26. Another point which should be highlighted is the creation of broadcasting periods on public television and telecommunications services. In effect, according to article 17 "religious faiths may request broadcasting periods on public television and telecommunications services for propagating their respective doctrine, irrespective of the medium used" (para. 1); "the decision as to whether to grant the facility referred to in the preceding paragraph and aspects relating to the duration and time-tabling of broadcasts shall be the exclusive responsibility of the officers in charge of the television and telecommunications companies" (para. 2); "the provision of spots or broadcasting periods as referred to in paragraph 1 above shall be done respecting the principle of equality and the other provisions in this Law" (para. 3); "the contents of these spots and broadcasts shall be the exclusive responsibility of the religious faiths" (para. 4).

27. Concerning foreign relations, article 18 states that "religious faiths may, without affecting their autonomy, maintain and promote relations with believers and other religious bodies based outside Macau, including religious faiths and organizations endowed with international legal personality".

28. Article 19 discusses the acquisition, assignment and sale of assets, stating in paragraph 1, that "the acquisition by religious faiths, either free or for a price, of the assets required for their aims, and the assignment or sale of any assets, shall be done according to general law, without any requirement for prior authorization". Paragraph 2 of the same article establishes the condition that "income-generating assets shall not be

classified as necessary for pursuing the aims of religious faiths, and their acquisition, either free or for a price, assignment and sale shall be subject to the provisions of the law".

29. Article 22, paragraph 1, enshrines the right to religious confidentiality, binding ministers of religious faiths to keep secret all facts with which they have been entrusted or of which they have learned by reason and in the course of their duties, and that they may not be investigated about them. Paragraph 2 clarifies the obligation to maintain confidentiality even when the minister is no longer engaged in his duties. Violation of religious confidentiality is, in accordance with article 24, punished with the sentence described in article 189 of the Macau Criminal Code unless another, heavier sentence can be applied on the basis of another legal provision.

Article 22

30. Law 1/78/M of 4 February was revoked by Law 6/97/M of 30 July which establishes the legal regime for combating organized crime.

31. Law 4/98/M of 27 July, which defines the basic policy governing employment and labour rights, enshrines, in article 5, paragraph 2 (f) "affiliation to an association representing their interests" as a labour right of all workers. The foundations laid down by the legislator will subsequently be developed, drafted and promulgated in measures to be taken by the Governor.

Article 25

32. Law 5/94/M of 1 August, issued by the Legislative Assembly of Macau, regulates and safeguards the right of petition. This right allows citizens to participate in political life, and is enshrined as one of the rights, freedoms and safeguards in article 52 of the Constitution of the Portuguese Republic. Under the terms of the Law, petitions are used in defending the rights of persons and the legal or other interests of members of the community, and the fact that it is a right of political participation - and not a personal right - means that it can be exercised regardless of whether there is any personal grievance or damage to personal interests; in other words, it can be exercised in defence of legality or the public interest.

33. Although it is a political right, it can still be exercised by foreigners in defence of their legally protected rights and interests. This is a universal, free right and cannot under any circumstance whatsoever be subject to payment of any taxes or fees.

34. Petitions may be either individual or collective, depending on whether they are submitted by one or more persons. A petition is collective when it is submitted by a group of persons in the form of a single instrument. Petitions can be submitted on behalf of a group. The right of petition covers not only individuals but also extends to organizations, associations or any collective person that is legally established.

35. Under the terms of article 1, paragraph 1, of Law 5/94, the right of petitions shall be exercised "through the submission of petitions, representations, protests or complaints to the government authorities or any other public authorities", as defined in article 2, paragraph 1 as follows:

"Petition - in general the submission of a request or a proposal to a government organ or any public authority requesting that it take, adopt or propose certain measures; Representation - exposure intended to demonstrate an opinion contrary to that adopted by any body, or to call the attention of public authorities to a certain situation or act in order to have it reviewed, or its effects considered; Protest - opposition to an act addressed to the organ, employee or agent who carried it out, or to its or his hierarchical superior; Complaint - accusation concerning any illegality, or the anomalous operation of any service, in order for measures to be taken against those responsible."

According to article 2, paragraph 3, for the purposes of this law, the term "petition" used alone is understood to refer to all the above-mentioned modes of protest.

36. Article 1, paragraph 2, contains various exclusions to the application of this law, and thus to exercising the right of petition, namely the protection of rights and interests in the courts, opposing administrative acts by means of protest or recourse to higher bodies, the right to submit a complaint to the High Commission Against Corruption and Administrative Illegality (which has since been replaced by the High Authority Against Corruption and Administrative Illegality), the collective petitioning of military and militia members of the Macau Security Forces.

37. Article 6 states that "no public or private body may prohibit or in any manner prevent or hinder the exercise of the right of petition, namely collecting signatures freely and engaging in any other necessary acts, unless this involves violating other laws and regulations". Article 7 stipulates that "no person can be placed at a disadvantage, privileged or deprived of any right as a result of exercising the right of petition".

38. The entity to which the petition, representation, protest or complaint is addressed is bound to receive the same and also to examine it and communicate any decisions taken.

39. The right of petition can be exercised without being subject to any specific form or procedure, the only requirement being that it should be done in writing. However, all means of telecommunication are also acceptable. Nevertheless, under the terms of article 9, paragraph 3, "the addressee must invite the petitioner to complete the written document submitted whenever: (a) the petitioner is not correctly identified and there is no mention of his place of residence; or (b) the text is unintelligible or does not specify the object of the petition". For these cases, article 9, paragraph 4, states "that the addressee shall set a deadline of no more than twenty days with a warning that failure to provide the information indicated shall lead to the case being rejected summarily".

40. The fact that the right of petition is enshrined in these broad terms does not mean that every petition is acceptable. Consequently, article 11 indicates which situations, in addition to those described in article 4, shall give rise to summary rejection of a petition. Article 11, paragraph 1, describes three situations: (i) when the intended goal is illegal; (ii) when it involves reassessing court decisions or decisions concerning administrative

acts for which there is no appeal; and (iii) when it involves the reassessment by the same entity of cases which have previously been assessed pursuant to the exercise of the right of petition, unless new aspects for assessment are invoked or have occurred. It should be noted, however, that the lawmaker requires these cases to be obvious, in other words there has to be no doubt as to their unsuitability. Paragraph 2 describes a further two instances in which a petition may be summarily rejected: (i) if it is submitted anonymously or if, on examination, it is not possible to identify the person or persons who sent it; (ii) if there are no grounds whatsoever.

41. Unless there is a summary rejection, any entity which receives a petition is bound to reach a decision as to its content in as brief a period of time as possible taking into account the complexity of the matter addressed. If the same entity deems itself unable to deal with the matter addressed in the petition, it shall submit it to the relevant entity, and inform the petitioner of this fact. In assessing the reasons invoked by the petitioner(s), the relevant entity is free to carry out the investigations it deems necessary and, depending on the case, it may reach one of two decisions; to take the appropriate steps to satisfy the request or to file the case.

42. Petitions addressed to the Legislative Assembly of Macau are the subject of specific regulations contained in this law. The institutional importance and powers of this organ of government place it in a privileged position as a recipient of petitions. In this respect, article 13 enshrines a system by which petitions directed to the local parliament are, depending on the matter involved, channelled by its President as follows: submitted for assessment by the relevant committees, or by a committee specially established for the purpose if the petition concerns a matter restricted to the powers of the Legislative Assembly, or if the President believes the petition is related to the relevant interest of the Territory; presented to the Governor in order to be dealt with by the relevant entity; submitted to the Assistant Public Prosecutor, if there are indications that criminal proceedings can be instigated; submitted to the Judiciary Police, if there are indications that justify a criminal investigation; submitted to the High Commission Against Corruption and Administrative Illegality for the purposes of the provisions of Law No. 11/90/M of 10 September.

43. The President of the Legislative Assembly may inform the petitioner of the need to complete the written documents submitted, or to provide additional details in the cases already mentioned in article 9. If any of the circumstances in article 11 arise, the petition will be summarily rejected and the petitioner informed of the decision. Other measures that the President of the Legislative Assembly may adopt are as follows: to inform the petitioner of rights of which he appears to be unaware, paths he may pursue, or stances he may adopt in order to have a right recognized, an interest safeguarded or reparation made for damage which has occurred; or to clarify to the petitioner, or to the public in general, any act of the Territory or any other public authorities concerning the management of public affairs which the petition may have questioned or doubted. The President of the Legislative Assembly is also responsible for filing the petition, and informing the petitioner of the same.

44. The above-mentioned decisions are taken by the President of the Legislative Assembly within 30 days counted from the date on which the petition was submitted and the petitioner is notified of the decision.

45. The relevant committee, or special commission must evaluate petitions submitted via the President of the Legislative Assembly within a 30-day period counted from the date on which it was received by the same body, and which can be extended. Once the committee has concluded its examination, a final report is drafted and sent to the President of the Legislative Assembly with a proposal for any necessary measures deemed appropriate.

46. An examination of the petitions and the respective indications produced by the committee can result in the following: (a) evaluation in the plenary of the Legislative Assembly under the terms of article 18; (b) submission, with appropriate suggestions, to the relevant body for evaluating the same; (c) drafting legislative measures deemed justified which can be subscribed by any member of the Assembly; (d) submitting a proposal to the Governor for eventual legislative or administrative measures; or (e) filing the case informing the petitioner or petitioners of the same.

47. The Legislative Assembly committee can interview petitioners, request statements from any persons and request and obtain information and documents from the Government or any other public or private bodies without affecting the legal provisions concerning court confidentiality and professional confidentiality, and it may request the Public Administration to take any necessary measures. Unjustified failure to appear before the committee, refusing to make a statement or failure to comply with these steps constitute the crime of disobedience, without affecting any applicable disciplinary proceedings. Unjustified failure to appear before the committee by petitioners may result in the case being shelved.

48. Following examination of the issue raised by the petitioner, the committee may, on a proposal by the reporter, request the relevant bodies to provide the necessary clarifications on the matter. After receiving a request from the committee, the relevant bodies must take measures and respond to the Legislative Assembly as quickly as possible. Whenever the measures requested by the committee are refused without justification by a public body, the committee should inform the entity ranked above the same body in the hierarchy and the relevant authorities so that the appropriate measures can be taken in restoring procedures.

49. Once the refusal has been resolved, the committee may, in accordance with the established procedures: (a) continue to evaluate the matter in question; (b) request once again the necessary cooperation from the respective bodies; (c) suggest directly to these bodies how to correct the situation or make reparation for the reasons which led to the petition.

50. Once the petition has been examined by the committee, it shall decide whether it is to be evaluated by the plenary, depending on the scope of the matter, its social, economic or cultural importance and the seriousness of the situation relating to the petition. Petitions which meet the conditions for evaluation by the plenary shall be sent, along with the supporting reports and any other information, to the President of the Legislative Assembly to be put on the agenda.

51. The matter contained in the petition is not subject to a vote; however, a vote may be requested by any member exercising the right of initiative under the regulations and, when this is evaluated, the petition shall be arrogated.

52. The first signatory identified on the petition shall be informed of what is happening, and he shall be sent a copy of the issue of the Diário da Assembleia Legislativa [Diary of the Legislative Assembly] reproducing the debate, the eventual presentation of any proposal connected to it, and the results of the respective vote. Law 5/94/M of 1 August also makes provisions for the publication of petitions in full in the Diário da Assembleia Legislativa, along with the relevant reports.